

# THE SUPREME COURT



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Under the **territorial government** of Michigan established in 1805, the supreme court consisted of a chief judge and 2 associate judges appointed by the President of the United States. Under the “second” grade of territorial government established in 1824, the term of office was limited to 4 years.

### First Grade

|                                |           |                           |           |
|--------------------------------|-----------|---------------------------|-----------|
| Augustus B. Woodward . . . . . | 1805-1824 | James Witherell . . . . . | 1805-1824 |
| Frederick Bates . . . . .      | 1805-1808 | John Griffin . . . . .    | 1806-1824 |

### Second Grade

|                           |           |                              |           |
|---------------------------|-----------|------------------------------|-----------|
| James Witherell . . . . . | 1824-1828 | William Woodbridge . . . . . | 1828-1832 |
| John Hunt . . . . .       | 1824-1827 | George Morrell . . . . .     | 1832-1837 |
| Solomon Sibley . . . . .  | 1824-1837 | Ross Wilkins . . . . .       | 1832-1837 |
| Henry Chipman . . . . .   | 1827-1832 |                              |           |

The **Constitution of 1835** provided for a supreme court, the judges of which were appointed by the governor, by and with the advice and consent of the senate, for 7-year terms. In 1836 the legislature provided for a chief justice and 2 associate justices. The state was then divided into 3 circuits and the supreme court was required to hold an annual term in each circuit. The Revised Statutes of 1838 provided for a chief justice and 3 associate justices.

The **Constitution of 1850** provided for a term of 6 years and that the judges of the 5 circuit courts be judges of the supreme court. In 1857, the legislature reorganized the supreme court to consist of a chief justice and 3 associate justices to be elected for 8-year terms. The number of justices was increased to 5 by the legislature in 1887. Act 250 of 1903 increased the number of justices to 8.

The **Constitution of 1908** provided for the nomination of the justices at partisan conventions and election at nonpartisan elections.

The **Constitution of 1963** provides that “the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and the courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.” Const. 1963, art. 6, § 1.

“The supreme court shall consist of seven justices elected at nonpartisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time.” Const. 1963, art. 6, § 2.

“One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall

appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.” Const. 1963, art. 6, § 1.

The Michigan Supreme Court is the highest court in the state, hearing cases appealed to it from other state courts. Applications for **“leave to appeal”** are filed with the supreme court and the court decides whether to grant them. If an application is granted, the supreme court will hear the case; if denied, the decision of the lower court stands.

In addition to its judicial duties, the supreme court is charged with general administrative supervision of all courts in the state. This is referred to in the state constitution as **“general superintending control.”** The supreme court is responsible for establishing rules for practice and procedure in all courts.

The supreme court consists of 7 justices. One justice is selected every 2 years by the court as chief justice. Two justices are elected every 2 years (one in the eighth year) in the November election. Although nominated by political parties, the justices are elected on a nonpartisan ballot, separate from the ballot for other elective offices. Candidates for the supreme court must be qualified electors, licensed to practice law in Michigan, and, at the time of election, must be under 70 years of age. The salary of the justices is fixed by the State Officers Compensation Commission and paid by the state.

**Sessions** of the Michigan Supreme Court are held in Lansing where the justices hear oral arguments by attorneys in cases in which leave to appeal has been granted and which have been submitted in written briefs in advance of the hearing. The written opinion in each case, which receives the approval of a majority of the justices, becomes the decision of the court. A justice may write a “concurring” opinion agreeing with the result of the majority opinion but for reasons different from those expressed in the majority opinion. If a justice disagrees with the majority opinion in whole or in part, the justice may write the reasons for the disagreement in a “dissenting” opinion.

**Caseload**

During 1998, 2,436 new cases were filed with the Michigan Supreme Court. There were 2,992 cases completed in 1998. At the close of the year, 1,606 cases were pending before the court.

The majority of the new cases filed (96%) were applications for leave to appeal. Of the new cases filed, 44% were civil cases and 56% were criminal cases. Of the 2,992 cases disposed of during 1998, 2,567 (86%) were disposed of by denial of leave to appeal, 235 (8%) by final orders without opinions, 121 (4%) by opinions, and 69 (2%) by dismissals and withdrawals.

**TYPES OF SUPREME COURT CASE FILINGS, 1998**

| Filings  | Number | Percent |
|--|--------|---------|
| Applications for Leave . . . . .   | 2,344  | (96%)   |
| Applications Prior to Court of Appeals Decision . . . . .  | 11     | } (4%)  |
| Mandamus/Superintending Control — Attorney Grievance Commission/<br>Board of Law Examiners . . . . . | 40     |         |
| Judicial Tenure Commission Cases . . . . .   | 10     |         |
| Certified Questions from Federal Courts . . . . .  | 1      |         |
| Applications from Attorney Discipline Board . . . . .  | 20     |         |
| Miscellaneous . . . . .  | 10     |         |
| TOTAL . . . . .  | 2,436  |         |

**DISTRIBUTION OF SUPREME COURT  
CIVIL AND CRIMINAL CASES, 1998**

| Cases                          | Number | Percent |
|--------------------------------|--------|---------|
| Civil Cases Filed . . . . .    | 1,064  | (44%)   |
| Criminal Cases Filed . . . . . | 1,372  | (56%)   |
| TOTAL . . . . .                | 2,436  | (100%)  |

## SUPREME COURT CASE DISPOSITION, BY TYPE, 1998

| Dispositions                                     | Number | Percent |
|--|--------|---------|
| Completed by Opinions .....                      | 121    | (4%)    |
| Completed by Final Orders Without Opinions ..... | 235    | (8%)    |
| Completed by Denial of Leave to Appeal .....     | 2,567  | (86%)   |
| Completed by Dismissals and Withdrawals .....    | 69     | (2%)    |
| TOTAL .....                                      | 2,992  | (100%)  |

### ***Motions and Separate Orders***

During 1998, the court issued 585 separate additional orders on motion matters, as follows: 95 orders granting leave to appeal; 28 orders on motions for rehearing; 262 orders on motions for reconsideration; 36 orders holding cases in abeyance, issued on the court's own motions; 22 miscellaneous orders on motions for bail, for stay of proceedings, to tax or not tax costs; 110 orders issued by the chief justice, here commonly called "housekeeping orders," e.g., orders on motions to extend the time for filing briefs, to place on or withdraw a case from a session calendar, or for oral argument, etc.; 21 orders to show cause; and 11 remands with jurisdiction retained.

### ***Grants of Leave to Appeal***

Orders granting leave to appeal notify the parties that formal review of the case will be undertaken. Grant orders and their percentage relationship to new filings for the past 10 years are set forth below.

## SUPREME COURT ORDERS GRANTING LEAVE TO APPEAL

| Year       | Grants    | Percent of New Filings |
|------------|-----------|------------------------|
| 1987 ..... | 67 .....  | 3.1%                   |
| 1988 ..... | 79 .....  | 3.0%                   |
| 1989 ..... | 52 .....  | 1.9%                   |
| 1990 ..... | 81 .....  | 3.2%                   |
| 1991 ..... | 64 .....  | 2.9%                   |
| 1992 ..... | 87 .....  | 3.6%                   |
| 1993 ..... | 85 .....  | 3.1%                   |
| 1994 ..... | 116 ..... | 3.7%                   |
| 1995 ..... | 90 .....  | 2.9%                   |
| 1996 ..... | 105 ..... | 4.0%                   |
| 1997 ..... | 106 ..... | 4.0%                   |
| 1998 ..... | 95 .....  | 4.0%                   |

### ***Administrative Functions***

In addition to serving as the state's court of last resort, the Michigan Supreme Court manages the state court system. As manager of the Michigan court system, the Court has undertaken with the legislative and executive branches, state and local, to improve the system statewide for greater efficiency and accountability to the public. This endeavor includes:

- advancing the implementation of the family division of circuit court for greater efficiency and convenience for families;
- developing a statewide court information management system;
- developing trial court performance standards;
- reforming jury management practices;
- overseeing the progress of seven trial court demonstration projects.

In 1998, the Michigan Supreme Court focused on the advancement of court reorganization, issues related to court management, and innovations in local intergovernmental relations and communication with the public by:

- **Pursuing greater convenience for families.** The Supreme Court strove to make the trial court system more user friendly for families through a constitutional amendment to merge Michigan's circuit and probate courts and guarantee at least one judge per county elected exclusively by the voters of each county, to focus on family matters. The amendment would have completed the implementation of the family division of circuit court, which the Legislature created in 1996 by shifting a major portion of the probate court caseload into the new circuit court division.
- **Improving efficiency in Lansing operation.** Throughout 1998, the Court worked with the Department of Management and Budget to develop a program statement for a practical and functional building in Lansing to house the Supreme Court, Michigan Court of Appeals and State Court Administrative Office. The new building will be located at the west end of the Capitol Mall and is expected to be completed in 2003. It will streamline appellate and trial court management by housing key administrative functions in one location.
- **Building cooperation in local government.** In another important initiative in 1998, the Supreme Court, together with the Michigan Association of Counties, hosted a series of seminars designed to foster stronger working relationships between trial court judges and local funding unit officials, particularly in the areas of court budgeting and personnel. The seminars built upon the new cooperative relationship between judges and funding unit officials that formed the basis of Supreme Court Administrative Order 1997-6.
- **Sharing court data effectively.** Essential to the efficient operation of Michigan courts is a statewide court information management system. The Judicial Information Systems (JIS) division of the State Court Administrative Office developed in 1998 a preliminary five-stage plan for connecting all the trial courts in the state with the Supreme Court and with local and state agencies for the speedy and consistent transmission of court data. JIS also equipped each of the state's chief judges with Internet access and e-mail to expand the research and communication abilities of the courts.
- **Improving public access.** In the interest of open government, the Supreme Court implemented two orders in 1998 addressing public access to Supreme Court administrative records and meetings. In May, the Court held its first public administrative hearing, one of three per year required under the new open meetings order. The hearings as well as oral argument sessions were, and continue to be, open to the public and cablecast statewide over Michigan Government Television (MGTV).
- **Expanding public knowledge.** To increase legislative and public understanding of the issues involved in court reorganization, the Supreme Court sponsored three panel discussions also televised statewide by MGTV. The discussions addressed the subjects of court merger and the guarantee of one judge per county elected exclusively by the voters of each county, the family division of circuit court, and local government relations. The Supreme Court also inaugurated its web site, which provides quick access to recent Supreme Court and Court of Appeals decisions, helpful background for citizens regarding the operation of the court system, and links to other law-related web sites at the local, state and federal levels.

In addition to its court reform and administrative activities, the Supreme Court in 1998 addressed numerous issues related to court procedure. This involved the amending of court rules to improve case flow and other aspects of court management.

Source: The Michigan State Courts Annual Report (1998), State Court Administrative Office

## JUSTICES OF THE SUPREME COURT

*Term expires*

ELIZABETH A. WEAVER, Chief Justice, Traverse City . . . . . Jan. 1, 2003  
MICHAEL F. CAVANAGH, East Lansing . . . . . Jan. 1, 2007  
STEPHEN J. MARKMAN, Mason . . . . . Jan. 1, 2005  
MARILYN KELLY, Bloomfield Hills . . . . . Jan. 1, 2005  
CLIFFORD W. TAYLOR, East Lansing . . . . . Jan. 1, 2001  
MAURA D. CORRIGAN, Grosse Pointe Park . . . . . Jan. 1, 2007  
ROBERT P. YOUNG, Jr., Detroit . . . . . Jan. 1, 2003

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## SUPREME COURT COMMISSIONERS

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